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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,404	01/15/2004	Thomas R. Cundiff	BOCO122200	6099
26389	7590	06/06/2006		
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347				
			EXAMINER SELLMAN, CACHET I	
			ART UNIT 1762	PAPER NUMBER

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Ch

Office Action Summary	Application No. 10/758,404	Applicant(s) CUNDIFF ET AL.	
	Examiner Cachet I. Sellman	Art Unit 1762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 is/are allowed.
- 6) ☒ Claim(s) 9-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Acknowledgement is made of the amendment filed by the applicant on 3/15/2006, in which claims 1 and 2 were amended and claims 3-12 were added. Claims 1-12 are currently pending in U.S. Application Serial No. 10/617,473.

Response to Arguments

1. Applicant's arguments filed 3/15/2006 have been fully considered but they are not persuasive. The applicant argues that Black (US 5716686) does not disclose all of the features of the claim or the features of the invention in Pearce et al. (US 5204033). However, the rejection regarding the limitation of using the resin of the resin transfer molding process diluted by a solvent did not rely on the Black reference as a whole however motivation was used to combine the reference with the Pearce et al. reference to modify the Pearce reference to use the resin diluted by a solvent in order to ensure that the strength of the cured resin and the resulting composite body will not degrade.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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2. Claims 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Pearce et al. (US 5204033).

Pearce et al. teaches a method for preparing a perform for use in a resin transfer molding process in which fibers are applied to a mandrel beyond the final finish line (abstract, column 8, lines 27-29, figure 8); a tackifier solution is applied to fibers located at the final finish line where the tackifier solution comprises a reduced concentration of resin utilized by the product to be formed by the resin transfer molding process (column 6, lines 1-11); the tackifier solution is consolidated at the finish line (column 6, lines 12-24); and cutting along the final finish line by placing the core include the applied fibers and tackifier, in a frame such that the portion of the core, applied fibers, and tackifier extend beyond the final finish line lie outside the frame; and cutting the core, include the applied fibers and the tackifier, along the final finish line (column 6, lines 65-68 and column 7, lines 1-39 and figures 6 and 7) as required by **claim 9**. Pearce et al. teaches that the tackifier solution is locally consolidated by wrapping shrink tap around and over the portion of fibers located at the finish line and heating the shrink tap to apply heat to the tackifier and cause the shrink tape to constrict (column 6, lines 15-20) as required by **claim 11**.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearce et al. as applied to claims 9 and 11 above and in further view of Black (US 5716686).

The teachings of Pearce et al. as applied to claims 9 and 11 are as stated above.

Pearce et al. does not teach using a tackifier solution, which comprises the resins to be used for the resin transfer molding process diluted by a solvent as required by **claims 10 and 12**.

Black discloses a process for tackifying fabric material is used in a molding process (abstract). Black teaches that it is best to use the injection resin thinned in an organic solvent as the tackifying adhesive because using a resin that is chemically different from the resin injected into the molding will degrade the strength of the cured resin and the resulting composite body (column 1, lines 44-59).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the process taught by Pearce et al. to use the same resin for the tackifier and injection process. One would have been motivated to do so because Black teaches that using different resins will degrade the strength of the cured

resin and the resulting composite body therefore one would have a reasonable expectation of success in forming the composite.

Allowable Subject Matter

5. Claims 1-8 are allowed. The following is a statement of reasons for the indication of allowable subject matter: Claims 1-8 are allowable over the prior art (Pearce et al.) because the prior art does not teach applying the tackifier solution only to the fibers located at the final finish line as required by claim 1. Pearce et al. teaches applying the tackifier solution to all of the fibers by dipping the perform in the tackifier solution. Claims 2-8 depend from claim 1 therefore they are also allowable.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cachet I. Sellman whose telephone number is 571-272-0691. The examiner can normally be reached on Monday through Friday, 7:00 - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Cachet Sellman

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Patent Examiner
AU 1762



TIMOTHY MEEKS
SUPERVISORY PATENT EXAMINER